S.B. Criminal Misc. Bail Application No.67/2007
Date : 08.01.2007

**HON'BLE MR.SATYA PRAKASH PATHAK, J.**

Mr. J.S. Choudhary for the applicant.
Mr. V.R. Mehta, Public Prosecutor.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

The contention of learned counsel for the applicant is that co-accused have already been granted bail by this Court. He submits that Dhanna Ram who has involved the accused applicant in this case on the basis of statement recorded under Section 164 Cr.P.C. infact has not stated in the previous trial the involvement of the applicant when his statement was recorded, therefore, the applicant's case may be considered for bail. Learned counsel in this connection has invited my attention towards the statements recorded.

On the other hand, learned Public Prosecutor has opposed the bail application.

I have considered the submissions made before me.

Without expressing any opinion on the merit of the case while taking into consideration the overall facts and circumstances of the present case, I deem it just and proper to enlarge the accused applicant on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that applicant Akha Ram s/o Surja Ram shall be released on bail in CR No.139/2005 P.S. Gangashahar, provided he executes a personal bond in the sum of Rs.30,000/- with two sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

**(SATYA PRAKASH PATHAK), J.**